

EXHIBIT P



NATIONAL MEDIATION BOARD

WASHINGTON, D.C. 20572

October 13, 2021

Via email

Nancy A. Brown
Senior Trial Counsel
Division of Enforcement
United States Securities and Exchange Commission
New York Regional Office
200 Vesey St., Suite 400
New York, New York 10281-1022

Re: **In the Matter of Certain Issues Related to COVID 19 (TISO)**
(NY-10215)

Dear Ms. Brown:

This letter responds to the October 8, 2021 subpoena issued to the National Mediation Board (NMB) as part of the above entitled investigation. The subpoena required the following documents to be produced.

1. **All Documents and Communications concerning any medical leave from the NMB taken or applied for by Gerald W. Fauth from January 1, 2021.** There are no responsive documents. Presidential appointees do not earn annual and sick leave and are not charged leave for absences from work. 5 CFR 630.211(a)(3).
2. **Documents to show any meeting from July 1, 2021 to the present, whether in person or by telephone or video conference, in which Gerald W. Fauth participated concerning his nomination by the president of the United States to a term as a Member of the NMB.** The responsive documents include emails of scheduling discussions and notifications (webex meeting) with respect to an interview with Minority Staff of the United States Senate Health, Education, Labor, and Pensions (HELP) Committee that occurred on September 14, 2021. All three NMB nominees participated in interviews with Minority HELP Committee staff as part of the nomination process. I participated in each of those interviews along with the nominees.
3. **Documents to show any meetings of NMB staff or Members from July 1, 2021 to the present, whether in person or by telephone or video conference, in which Gerald W. Fauth participated.** The responsive

documents include email notifications/calendar invitations of staff meetings with the Board and meetings between the Office of Legal Affairs and the Board. All Agency Department heads attend both the staff meetings and their departmental meetings with the Board. I regularly participated in these meetings and it is my recollection that Chairman Fauth also regularly participated. The responsive documents also include email notifications/calendar invitations to regularly scheduled "Executive Sessions" that are meetings of the Board Members only.

I retrieved these responsive documents from the NMB's read-only email record keeping system and the documents have been maintained in my custody. Pursuant to the subpoena, the responsive documents have been encrypted and sent to the ENF-CPU, United States Securities and Exchange Commission.

Sincerely,

A handwritten signature in cursive script, appearing to read "Maria-Kate Dowling".

Maria-Kate Dowling
Acting General Counsel